

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OLEG YURIYOVICH KHALIP,

Petitioner,

v.

Case No. 10-13518
HON. AVERN COHN

ALLA VIKTORIVNA KHALIP, a/k/a
ALLA VIKTORIVNA GALKIN,

Respondent.

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CLARIFICATION ORDER

This case involves a petition for the return of minor children pursuant to the Hague Convention on the Civil Aspects of International Child Abduction and the International Child Abduction Remedies Act (ICARA). 42 U.S.C. §§ 11601-11610. On May 17, 2011, the Court ordered Petitioner Oleg Yuriyovich Khalip (Petitioner) and Alla Viktorivna Khalip's (Respondent) two children back to the Ukraine and stayed the effectiveness of the order for 30 days. (Doc. 31). On June 14, 2011, Respondent filed a motion for reconsideration. (Doc. 33). On June 22, 2011, the Court denied the motion and lifted the stay. (Doc. 39). On June 30, 2011, the Court granted Petitioner's motion to enforce the return order, effective July 11, 2011, and denied Respondent's motion for a stay pending appeal. (Doc. 45).¹

Now before the Court is Respondent's motion asking the Court to clarify that a June 30, 2011, order enforcing the return order, (Doc. 45), did not award custody rights to either

¹ The full background of the case is reflected in the stated memorandums and orders, particularly the Memorandum and Order Granting Petitioner to Return Minor Children, (Doc. 31), and the Memorandum and Order Granting Petitioner's Motion to Implement and Enforce Return Order. (Doc. 45).

party. Indeed, as stated in the Memorandum and Order Granting Petitioner to Return Minor Children, (Doc. 31), in an ICARA case the Court “has jurisdiction to decide the merits of an abduction claim, but not the merits of the underlying custody dispute. Blanc v. Morgan, 721 F. Supp. 2d 749, 757 (W.D. Tenn. 2010); ICARA, § 4(b); 42 U.S.C.A. § 11603(b).

Accordingly, the Court did not award custody rights in its June 30, 2011, order, (Doc. 45), or in any other order entered in this case.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: August 15, 2011

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, August 15, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160